

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**ABRAHAM HOUSE OF GOD AND
CEMETARY, INC.; MR. PROPERTY, LLC
RIYADH ELKHAYYAT; and MAHER
ABUIRSHAD**

PLAINTIFFS

V.

CIVIL ACTION NO: 3:21cv231-MPM-RP

**CITY OF HORN LAKE; BOARD OF ALDERMEN
OF THE CITY OF HORN LAKE; PLANNING
COMMISSION OF THE CITY OF HORN LAKE;
And ALLEN B. LATIMER in his official capacity as
Mayor OF THE CITY OF HORN LAKE**

DEFENDANTS

ORDER

This court has reviewed the allegations of the Complaint filed in this case, and its initial impression is that it presents very serious, and if proven factually accurate, strong allegations of religious discrimination. Given the seriousness of the issues raised in this case, this court intends to move expeditiously in scheduling a hearing and making a ruling regarding the issues raised herein. This court directs that the parties consult with its staff regarding the setting of such a hearing, and it encourages defendants to carefully consider their legal position in light of the allegations set forth in the Complaint. If, as the Complaint suggests may be the case, important members of the Board of Aldermen have come to the conclusion that the City of Horn Lake discriminated against plaintiffs' First Amendment rights in this case,¹ then this court strongly

¹ Specifically, the Complaint alleges that "[a]s Alderman Charlie Roberts admitted, expressing regret after the fact for his vote against the site plan, 'We stepped over the line of violating not only discriminatory rights because they're Muslims, and also their freedom of religion.'" [Complaint at 4]. The Complaint further alleges that:

suggests that they voluntarily enter into settlement negotiations regarding the resolution of this matter. Barring such a settlement, this court will proceed with all due haste in ascertaining the truth or falsity of the allegations raised in the Complaint.

So ordered, this, the 3rd day of November, 2021.

/s/ Michael P. Mills
U.S. DISTRICT COURT JUDGE

As then-Alderman John E. Jones Jr. told the local newspaper: “I don’t care what they say, their religion says they can lie or do anything to the Jews or gentiles because we’re not Muslims.” In making his motion to reject the mosque’s proposed site plan, Jones ominously warned his fellow Board members, “[I]f you let them build it, they will come. So I think we need to stop it before it gets here.”

[*Id.* at 2-3]. If these quotes are accurate, then this court submits that defendants may well find that the decision whether or not to violate the First Amendment rights of their fellow citizens does not ultimately lie with them.